



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,511	04/13/2000	Jose P Arencibia JR.	ECG-100US	6778

7590

04/07/2003

James C Simmons
Ratner & Prestia
One Westlakes Berwyn Suite 301
P O Box 980
Valley Forge, PA 19482-0980

EXAMINER

RIDLEY, BASIA ANNA

ART UNIT

PAPER NUMBER

1764

4

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,511

Applicant(s)

ARENCIBIA, JOSE P

Examiner

Basia Ridley

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim(s) 1-5, drawn to a chemical reactor, classified in class 422, subclass 202.
- II. Claim(s) 6-13 and 16-20, drawn to system for controlling temperature of a vessel, see below for classification.
- III. Claim(s) 14-15, drawn to an apparatus for supplying gas to a helical channel coil, classified in class 165, subclass 108.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a reactor vessel for performing endothermic reactions, invention II has separate utility such as a system for cooling contents of a reaction vessel and invention III has separate utility such as an apparatus for supplying gas to a helical channel coil. See MPEP § 806.05(d).
 - 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
 - 4. Because these inventions are distinct for the reasons given above and the search required for each of the Groups is not required for other Groups, restriction for examination purposes as indicated is proper.
-

Art Unit: 1764

5. If, indeed, the applicant elects Invention II, a further restriction to one of the following inventions is required under 35 U.S.C. 121.

A. Claim(s) 6-13, drawn to an apparatus, classified in class 422, subclass 198.

B. Claim(s) 16-20, drawn to a method, classified in class 165, subclass 58.

6. Inventions B and A are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus, such as one wherein the isothermal mixing baffles are not generally cylindrical.

7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

8. Because these inventions are distinct for the reasons given above and the search required for Group A is not required for Group B, restriction for examination purposes as indicated is proper.

9. Once the applicant elects one of the above indicated Inventions, a further restriction to a patentably distinct species, as set forth below, is required.

a) This application contains claims directed to the following patentably distinct species of the reactor:

Species 1, wherein the reaction vessel comprises cylindrical wall section and the isothermal mixing baffles are inserted from the top;

Species 2, wherein the reaction vessel comprises conical wall section and the isothermal mixing baffles are inserted from the top; and

Art Unit: 1764

Species 3, wherein the reaction vessel comprises cylindrical wall section and the isothermal mixing baffles are inserted from the bottom.

b) Further, this application contains claims directed to the following patentably distinct species of the isothermal mixing baffles:

Species 4, as disclosed in Fig. 5A and 5B;

Species 5, as disclosed in Fig. 5C and 5D;

Species 6, as disclosed in Fig. 5E;

Species 7, as disclosed in Fig. 5F; and

Species 8, as disclosed in Fig. 9A and B.

c) Further, this application contains claims directed to the following patentably distinct species of the phase separator:

Species 9, as disclosed in Fig. 10; and

Species 10, as disclosed in Fig. 11.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (either 1 or 2 or 3, and either 4 or 5 or 6 or 7 or 8, and either 9 or 10) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement (either 1 or 2 or 3, and either 4 or 5 or 6 or 7 or 8, and either 9 or 10), and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is ~~considered nonresponsive unless accompanied by an election.~~

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims

Art Unit: 1764

to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. Due to complexity of the above restriction requirement, no telephone call was made to request an oral election. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


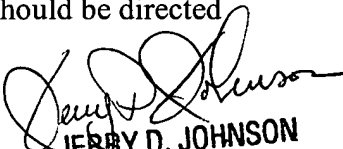
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (703) 305-5418. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (703) 308-6824.

The fax phone number for Group 1700 is (703) 872-9311 (for Official papers after Final), (703) 872-9310 (for other Official papers) and (703) 305-6078 (for Unofficial papers). When filing a fax in Group 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Basia Ridley
Examiner
Art Unit 1764



JERRY D. JOHNSON
PRIMARY EXAMINER
GROUP 1100

BR
April 3, 2003